IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

PUBLIC INTEREST LITIGATION NO. 120 OF 2004

Deepak Lahuji Gajbe ..Petitioner

Versus

The Collector, Thane and Ors. ... Respondents.

Mr. D.J. Deshmukh for the petitioner.
Mr. P.M. Patil, Assistant Government Pleader, for respondent Nos. 1 to 3.

CORAM: **DALVEER BHANDARI, C.J.** & **S.J. VAZIFDAR, J.**

DATE: **AUGUST 31, 2005**.

P.C.

The petitioner states that he is representing the depositors in general in Thane District. In view of the misrepresentation and fraud committed by the Directors of respondent No.4-finance company, large number of investors have been duped. The petitioner has prayed that directions be issued to respondent Nos. 1 to 3, viz. the Collector of Thane, the Commissioner of Police, Thane, and the State of Maharashtra, to follow due procedure of law under the provisions of the Maharashtra Protection of Interest of Depositors (in Financial Establishments) Act,1999, and thereby to investigate, attach and seize the movable and immovable properties of respondent No.4 and all its

Managing Committee Members since establishment of which the names and addresses are given in Schedule-1. It is also prayed that the amount of maturity of the depositors be repaid as per their claims and the schemes of respondent No.4 from the attached movable and immovable properties of the persons mentioned in Schedule-1.

2. On behalf of respondent Nos. 1 to 3, Inspector of Police (Crime), Narpoli Police Station, Bhiwandi,Dist. Thane, has filed an additional affidavit in this court. He has given details of the investigations conducted by him.

3. The learned Assistant Government Pleader submits that out of eight accused persons who have been named in the F.I.R., four accused have already been arrested and the State is earnestly investigating the matter and will take all necessary steps to arrest the absconding accused as expeditiously as possible. It is further submitted that the absconding accused do not have any property in the State of Maharashtra in their names. The absconding accused also do not have permanent residential addresses. It is also mentioned in the affidavit that the investigating machinery is going to submit a charge-sheet against the arrested accused and after arresting the absconding

accused, supplementary charge-sheet would be submitted to the concerned Court. The learned Assistant Government Pleader further submits that all steps would be taken for arresting the absconding accused.

4. In view of the additional affidavit submitted in Court today, no further directions are necessary. This PIL is accordingly disposed of. However, liberty is granted to the petitioner to revive this petition in case there is undue delay in arresting the absconding accused.

CHIEF JUSTICE

S.J. VAZIFDAR, J.